

07-24-01

- 1 -

Docket No. 18950-66

A
Box C65

Practitioner's Docket No. 18950-66

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

07/23/01
09/911253
JC979 U.S. PRO

07/23/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW DIVISIONAL APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventors: **Yorma Virtanen**

For (title): **OPTICAL DISK-BASED ASSAY DEVICES AND METHODS**

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date July 23, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL585705072US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Florence Thys-Doucet

(type or print name of person mailing paper)

Florence Thys-Doucet
Signature of person mailing paper

1. Type of Application

This new application is for a(n)

(check one applicable item below)

☒ Original (nonprovisional)

☐ Design

☐ Plant

2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

☒ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

174 Pages of specification

7 Pages of claims

64 Sheets of drawings as originally filed in the parent and CIP

52 Sheets of formal drawings as filed in parent application serial no. 09/120,049

(complete the following, if applicable)

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPHS(S) AS DRAWINGS." 37 C.F.R. § 1.84(b).

☒ formal

☐ informal

B. Other Papers Enclosed

3 Pages of declaration and power of attorney

1 Pages of abstract

2 Other ① **Revocation/Appointment of Power of Attorney or Authorization of Agent**

② **Certificate Under 37 CFR 3.73(b)**

4. Additional papers enclosed

☒ Amendment to claims

☒ Cancel in this application claims 21-33 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☐ Preliminary Amendment

☐ Information Disclosure Statement (37 C.F.R. § 1.98)

- ☒ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☒ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions From Representative
- ☐ Special Comments
- ☐ Other

5. Declaration or oath (including power of attorney)

- ☒ Enclosed
- Executed by

(check all applicable boxes)

- ☒ inventor(s)
- ☐ legal representative of inventor(s).
37 C.F.R. §§ 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 - ☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by C.F.R. § 1.47 is also attached. See item 13 below for fee
- ☐ Not Enclosed.
- ☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).

- ☐ Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. § 1.41(d))

6. **Inventorship Statement**

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. **Language**

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate.
37 C.F.R. § 1.52(d).

8. **Assignment**

☒ An assignment of the invention to Burstein Laboratories, Inc.

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is enclosed.

☐ will follow ☒ Recorded on **August 14, 1998**, at Reel **9387** Frame **0118**.

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln No.	Filed
Country	Appln No.	Filed
Country	Appln No.	Filed

from which priority is claimed

- ☐ is (are) attached.
☐ will follow.

10. Fee Calculation (37 C.F.R. § 1.16)

A. ☒ Regular application

CLAIMS AS FILED				
Number Filed		Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) \$710.00
Total Claims (37 C.F.R. § 1.16(c))	20	- 20 =	0	x \$ 18.00
Independent Claims (37 C.F.R. § 1.16(b))	2	- 3 =	0	x \$ 78.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))				
			+ \$260.00	0.00

- ☐ Amendment cancelling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 710.00

B. ☐ Design application
(\$310.00—37C.F.R. § 1.16(f))

Filing Fee Calculation \$ _____

C. ☐ Plant application
(\$480.00—37 C.F.R. § 1.16(g))

Filing Fee Calculation \$ _____

11. Small Entity Statement(s)

- ☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. § 1.9 and 1.27 is (are) attached.

(complete the following, if applicable)

- ☒ Status as a small entity was claimed in the prior application
_____ 09 / _____ 120,049 _____, filed on _____ July 21, 1998 _____, from which benefit is being claimed for this application under:

35 U.S.C. § ☐ 119(e),
☒ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☒ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)

\$ 355.00

12. Request for International-Type Search (37 C.F.R. § 1.104(d))

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

<input checked="" type="checkbox"/> Filing Fee	\$ <u>355.00</u>
<input type="checkbox"/> Recording Assignment (\$40.00; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	\$ _____
<input type="checkbox"/> Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; C.F.R. §§ 1.47 and 1.17(i))	\$ _____
<input type="checkbox"/> For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. §§ 1.52(s) and 1.17(k))	\$ _____
<input type="checkbox"/> Processing and retention fee (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(i))	\$ _____
<input type="checkbox"/> Fee for international-type search report (\$40.00; 37 C.F.R. § 1.21(e))	\$ _____
Total fees enclosed	\$ <u>355.00</u>

14. Method of Payment of Fees

☒ Check in the amount of \$ 355.00

☒ Charge Account No. _____ in the amount of
\$ _____
A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the pendency of this application to Account No.


16-2230

- ☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).
- ☒ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

16. Instructions as to Overpayment

- ☒ Credit Account No. 16-2230
- ☐ Refund

Dated: July 23, 2001



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☒ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

- ☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 1

- ☒ Plus Added Pages for Papers Referred to in item 4 Above

Number of pages added _____

- ☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application

Number of pages added _____

- ☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

- ☐ This transmittal ends with this page.

**ADDED PAGE(S) FOR SPECIAL COMMENTS FOR NEW APPLICATION
TRANSMITTAL**

THIS APPLICATION IS A DIVISIONAL OF COPENING APPLICATION SERIAL NO. 09/120,049
FILED ON JULY 21, 1998 WHICH IS A CONTINUATION-IN-PART OF PROVISIONAL
APPLICATION SERIAL NO. 60/053,229, FILED ON JULY 21, 1997 AND OF APPLICANT'S
UNITED STATES PATENT APPLICATION NO. 08/888,935 WHICH IS A CONTINUATION-IN-PART
OF PROVISIONAL APPLICATION NOS. 60/030,416 FILED ON NOVEMBER 1, 1996 AND
PROVISIONAL APPLICATION NO. 60/021,367 FILED ON JULY 8, 1996.

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